



14998.235

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ryokichi Matsumoto et al
Serial No. : 09/638,162
Filed : August 14, 2000
For : POLARIZATION-MAINTAINING OPTICAL FIBER
AND POLARIZATION-MAINTAINING OPTICAL
FIBER COMPONENT
Art Unit : 2874
Examiner : Jerry T. Rahll

RECEIVED
SEP - 9 2003
TECHNOLOGY CENTER 2800

August 27, 2003

Mail Stop Fee Amendment/1-Month Fee
Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE

Sir:

The following Amendment and Response is responsive to the Office Action dated May 7, 2003 for the above-identified patent application, a three (3) month response period for which was set for August 7, 2003. This Amendment and Response is accompanied by a Petition for Extension of Time, extending the response date up to and including September 7, 2003. Accordingly this Amendment and Response is timely filed. Accordingly, this Response is timely filed.

In response to the Office Action of November 6, 2002, kindly amend the application as follows:

TERMINAL DISCLAIMER

Together with this Amendment and Response, applicant provides a terminal disclaimer in compliance with 37 CFR 1.321 (c), signed by a registered attorney of record (as shown in the accompanying Power of Attorney), to overcome the rejection under the judicially created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 6,463,195 to Sasaki et al. Please charge the required Terminal Disclaimer fee to the Deposit Account No. 03-1240.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicant requests that this be considered a petition therefore. Please charge the required Petition fee to Deposit Account No. 03-1240.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 03-1240.

REMARKS

Favorable reconsideration of this application, in view of the terminal disclaimer filed concurrently herewith, is respectfully requested. Claims 6-8 and 10-13 remain pending in the application.

The applicant hereby submits a terminal disclaimer in compliance with 37 CFR 1.321 (c), signed by a registered attorney of record (as shown in the accompanying Power of Attorney) and accompanying terminal disclaimer fee under 37 CFR 1.20(d), to overcome the rejection under the judicially created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 6,463,195 to Sasaki et al. Thus, applicant removes this reference as the ground for rejection, as stated in para. 2 of the Office Action dated May 7, 2003.

Applicant respectfully requests entry and consideration of this Amendment and Response and an early favorable action on the merits.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail under 37 C.F.R. 1.8 in an envelope addressed to:

Assistant Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231.

DATE: August 27, 2003

NAME: Daniel Basov

SIGNATURE: Daniel Basov

Respectfully submitted,

By Daniel Basov
Daniel Basov, Esq.
Reg. # 42,303
Chadbourn & Parke LLP
30 Rockefeller Plaza
New York, New York 10112
(212) 408-5275

Attorney for Applicant

August 27, 2003